

108TH CONGRESS
1ST SESSION

H. R. 1182

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. DEAL of Georgia (for himself, Mr. TOWNS, Mr. WHITFIELD, Mr. WAMP, Mr. PALLONE, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SPECIAL PAYMENT FOR BRACHYTHERAPY**
2 **UNDER OPD PPS.**

3 (a) IN GENERAL.—Section 1833(t)(13) of the Social
4 Security Act (42 U.S.C. 1395l(t)(13) is amended by add-
5 ing at the end the following new subparagraph:

6 “(B) PAYMENT FOR DEVICES OF
7 BRACHYTHERAPY AT CHARGES ADJUSTED TO
8 COST.—

9 “(i) IN GENERAL.—Notwithstanding
10 the preceding provisions of this subsection,
11 for a device of brachytherapy furnished on
12 or after the effective date described in
13 clause (ii), the amount of payment for the
14 device under this subsection is equal to the
15 hospital’s charges for each device fur-
16 nished, adjusted to cost.

17 “(ii) EFFECTIVE DATE.—The effective
18 date referred to in clause (i) is that date
19 that is the first day of the third month
20 that begins after the date of the enactment
21 of this subparagraph.”.

22 (b) SPECIFICATION OF GROUPS FOR
23 BRACHYTHERAPY DEVICES.—Section 1833(t)(2) of such
24 Act (42 U.S.C. 1395l(t)(2) is amended—

25 (1) in subparagraph (F), by striking “and” at
26 the end;

1 (2) in subparagraph (G), by striking the period
2 at the end and inserting “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(H) with respect to devices of
6 brachytherapy furnished on or after the effec-
7 tive date described in paragraph (13)(B)(ii), the
8 Secretary shall create additional groups of cov-
9 ered OPD services that classify such devices
10 separately from the other services (or group of
11 services) paid for under this subsection in a
12 manner reflecting the number, isotope, and ra-
13 dioactive intensity of such devices furnished, in-
14 cluding separate groups for palladium-103 and
15 iodine-125 devices.”.

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